

**IN THE UNITED STATES DISTRICT COURT  
OF THE DISTRICT OF NEW MEXICO**

DONALD BAKER,

Plaintiff,

v.

Case No. Civ. 2:20-1136 WJ/KRS

AETNA BETTER HEALTH OF KANSAS, Inc.,

Defendant.

**ORDER TO SHOW CAUSE**

THIS MATTER is before the Court before the Court *sua sponte*. This case was removed to this Court on November 3, 2020. (Doc. 1). On January 12, 2021, the Court granted the parties' second stipulated motion to extend Defendant's deadline to respond to the Complaint to February 22, 2021. (Doc. 11). Since that time, no response to the Complaint has been filed and Plaintiff has taken no action to prosecute this matter. Federal Rule of Civil Procedure 41(b) allows the Court to dismiss an action *sua sponte* where a party fails to prosecute the party's lawsuit. The record reflects no activity in this case since January 12, 2021.

IT IS THEREFORE ORDERED that on or before May 3, 2021 Plaintiff shall show cause why this case should not be dismissed without prejudice for failure to prosecute.



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KEVIN R. SWEAZE  
UNITED STATES MAGISTRATE JUDGE